

FILED

UNITED STATES DISTRICT COURT-8 AM 11:24
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Aureliano ZAPATA-Lopez,

Defendant

) Magistrate Docket No. **'08 MJ 0054**
BY **KWY** DEPUTY

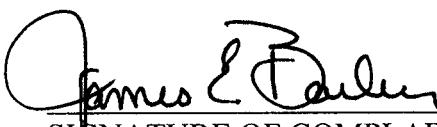
COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

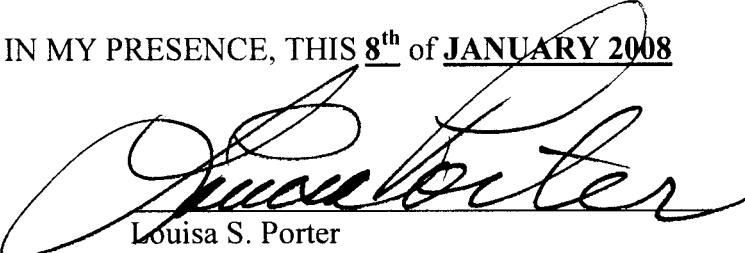
The undersigned complainant, being duly sworn, states:

On or about **January 7, 2008** within the Southern District of California, defendant, **Aureliano ZAPATA-Lopez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 James Bailey
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8th of JANUARY 2008


 Louisa S. Porter
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Aureliano ZAPATA-Lopez****PROBABLE CAUSE STATEMENT**

On January 7, 2008, at approximately 2:20 A.M., Border Patrol Agent S. Casillas informed Border Patrol Agent C. Womersley of a group of individuals climbing the primary fence in an area known as "Whiskey 3 ½ . This area is approximately one mile west of the San Ysidro, California Port of Entry and twenty yards north of the United States/Mexico International Border.

Agent Womersley responded to the area where the individuals were last observed climbing over the fence. After a brief search of the surrounding area, Agent Womersley observed three individuals lying against the fence directly north of Whiskey 3½. Agent Womersley approached the group and identified himself as a Border Patrol Agent and conducted an immigration inspection. Each of the individuals, including one later identified as the defendant Aureliano ZAPATA-Lopez, stated that they were citizens and nationals of Mexico and that they did not possess any immigration documents that would allow them to be or remain in the United States legally. At approximately 2:25 A.M., the three individuals were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on December 24, 2002 through Otay Mesa, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.